IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 89 of 2005

Between:

Bolli Shankaraiah, s/o Lachaiah,
r/o Tandur Vg. & Mandal, Adilabad District.

..... PETITIONER

AND

1 The Authorised Officer, Land Reforms Tribunal, Asifabad, Adilabad District.
2 The Sub-Collector, Asifabad, Adilabad District.
3 The Mandal Revenue Officer, Tandur Mandal, Adilabad District.
4 The Mandal Revenue Inspector, Tandur, Adilabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus directing the respondents herein to continue the petitioner in possession of the land in Sy.No.779/1/2 extent Ac.1.00 situated at Tandur Vg., Mandal and Adilabad District for a period of 30 days i.e., four weeks from the date of passing of the final orders vide Proc.Ref.No.E/569/75, dt.27-12-2004 passed by the Land Reforms Tribunal, Asifabad, i.e., order to make possession of the lands surrendered or deemed to be surrendered under Sec.11 of the Act to enable the petitioner to avail the statutory remedy available i.e., appeal remedy under Sec.20 of A.P.Land Reforms (Ceiling on Agrl.Holdings) Act 1973 by duly declaring the action of the second respondent directing the petitioner to deliver the possession of the above said land by 7-1-2005 failing which directing the 4th respondent to take possession of her land as illegal, arbitrary and contrary to the provisions of A.P.Land Reforms (Ceiling on Agrl.Holdings) Act 1973.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

Against any order passed by the Land Reforms Tribunal, an appeal lies to the Appellate Tribunal within 30 days under the A.P. Land Reforms (Ceiling on Agriculture Holdings) Act 1973 (for short 'the Act').

In the present case, the Land Reforms Tribunal, Asifabad, by order dated 27-12-2004 declared the petitioner as a surplus landholder and even before expiry of the statutory period for filing an appeal, the second respondent-Sub-Collector, Asifabad, Adilabad District, enforced the surrender order, as a result of which, the petitioner could not avail the remedy of appeal.

In view of the same, the impugned notice issued in Form No.IX by the second respondent shall not be enforced till the appeal period is expired.

The writ petition is accordingly disposed of. No order as to costs.

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11-01-2005

Note: Issue operative portion by wire.

(B/o)

kdl/ksld

To

1 The Authorised Officer, Land Reforms Tribunal, Asifabad,
Adilabad District.
2 The Sub-Collector, Asifabad, Adilabad District.
3 The Mandal Revenue Officer, Tandur Mandal, Adilabad District.
4 The Mandal Revenue Inspector, Tandur, Adilabad District.

5 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad, (OUT).

6 Two C.D. Copies.

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